

From: Stephen Baber
To: Microsoft ATR
Date: 1/25/02 7:23pm
Subject: Microsoft Settlement

To whom it may concern,

It is a great risk to my career as a software engineer that I write to you for the public record as permitted by the Tunney Act. Given Microsoft's vengeful corporate culture, this very document will surely be used to bar me (and the many other's writing in opposition to Microsoft's illegal leveraging of it's monopoly power) from working, if left unregulated and in our lifetimes, by the only remaining technology company in America.

My primary concern is that the settlement being prepared by Mr. Charles James (1) would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly, (2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy, and (3) has no provisions directed to Windows XP and other new endeavors of Microsoft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy. The proposal is so far outside the mainstream of antitrust law, and so completely contradicts the D.C. Circuit's unanimous opinion affirming Microsoft's guilt, that the only explanation must be political.

My suggestions for restoring fair competition are to (1) spin-off every Microsoft product which has market dominance into it's own separate corporate entity, and (2) require that Microsoft publish the file formats and communications protocols used by those products so that competitors may create compatible software and hardware.

My suggestions for punishing this repeat offender are (3) any fines required by the 1995 Consent-Decree should be paid as well as all court costs, and (4) Company president William Harold Gates III and CEO Steven Ballmer should admit their wrong doing on national television, also (5) Microsoft should be barred from spinning their loss into a case of government interference.

Our citizens have given their lives for the principles on which this nation was built, a nation of laws and not a nation of men, I urge you to perform your duty as guardians of justice and protect us from a corporation which has committed flagrantly illegal acts for the maintenance of their monopoly powers. Posterity will remember if we acted when there was still time to stop the disappearance of consumer choice and the free market system.

Sincerely,

Stephen Baber

Software Engineer
2904 24th Ave W
Seattle WA 98199

CC: hollyblumenthal@yahoo.com@inetgw